

Message Text

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ACTION EB-11

INFO OCT-01 EA-11 IO-13 ADP-00 PM-07 NSC-10 SS-15 RSC-01

L-03 CIAE-00 DODE-00 INR-10 NSAE-00 PA-03 USIA-12

PRS-01 COME-00 TRSE-00 SAJ-01 EUR-25 RSR-01 /125 W
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R 051023 Z JUL 73

FM AMEMBASSY TAIPEI

TO SECSTATE WASHDC 9104

INFO USMISSION GENEVA

AMEMBASSY TOKYO

AMEMBASSY ROME

AMCONSUL HONG KONG

USLO PEKING

C O N F I D E N T I A L TAIPEI 4008

EO 11652 GDS

TAGS PFOR EIND TW CH

SUBJECT: ROC ACCESSION TO CONVENTION FOR PROTECTION OF
INDUSTRIAL PROPERTY

REF: TAIPEI 3503

PASS COMMERCE

1. DIRECTOR OF MOFA TREATY DIVISION (KWEI) HAS INFORMED US
THAT FIRST SECRETARY CHANG SHU- CHI OF ROC EMBASSY TO THE
VATICAN RECIVED A LETTER DATED JUNE 22 FROM CLAUDE
MASOUYE, SENIOR COUNSELLOR OF WORLD INTELLECTUAL PROPERTY
ORGANIZATION. GIST OF LETTER FOLLOWS: DIRECTOR GENERAL
BODENHAUSEN " IN VIEW OF THE KNOWN POLITICAL SITUATION,
OVER WHI H HE HAS NO CONTROL WHATSOEVER" IS UNALBE AT
THIS TIME TO ACCEPT THE ACCESSION OF THE REPUBLIC OF
CHINA TO THE INTERNATIONAL CONVENTION ON PROTECTION OF
INDUSTRIAL PROPERTY. HE IS, HOWEVER, WILLING TO RECEIVE
CHANG BETWEEN AUGUST 6 AND 17, 1973 " FOR THE SOLE PURPOSE
OF EXCHANGING VIEWS ON THIS MATTER". IF ROC IS UNABLE
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TO ACCEPT DIRECTOR GENERAL' S POSITION, BODENHAUSEN WILL
THEN PLACE IT BEFORE THE ASSEMBLY OF THE UNION FOR
INTELLECTUAL PROPERTY TO BE HELD IN NOVEMBER, 1973.

2. ROC TAKES POSITION THAT ARTICLE 29 OF THE ICPIP
STATES ONLY THAT THE DIRECTOR GENERAL SHALL ACCEPT THE
DEPOSIT OF INSTRUMENTS OF ACCESSION AND ALLOWS HIM NO
LATITUDE IN THIS ACT. IN REFUSING TO ACCEPT ROC DEPOSIT
OF INSTRUMENTS, HE IS THEREFORE ACTING " ULTRA VIRES".
ROC REQUESTS US ASSISTANCE IN DEVISING A WAY IN WHICH
BODENHAUSEN CAN BE PERSUADED TO FOLLOW WORDING OF ARTICLE
29 OF THE ICPIP
AND ACCEPT ROC INSTRUMENTS OF ACCESSION WITHOUT
REFERENCE TO ASSEMBLY.

3. IN EFFORT TO IMPROVE PROTECTION OF US PATENTS IN TAIWAN,
EMBASSY HAS ENCOURAGED ROC FOR MANY YEARS TO
ACCEDE TO ICPIP. ACCORDING TO DR. BILLINGS, AMBASSADOR' S FORMER
SCIENCE ADVISER ROC POLICY DECISION TO ACCEDE MADE OVER THREE
YEARS AGO, BUT EXECUTIVE AND LEGISLATIVE PROCEDURES
DELAYED PREPARATION OF INSTRUMENTS OF ACCESSION UNTIL
MAY 1973.

4. EMBASSY WOULD APPRECIATE DEPARTMENT' S GUIDANCE ON
WHAT ASSISTANCE US CAN GIVE ROC.
MCCONAUGHY

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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30 JUN 2005

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